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December 19, 2023

BY ECF

Honorable P. Kevin Castel
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Courtroom 11D
New York, NY 10007

Re: **Fairstein v. Netflix, Inc.** Case No. 20-cv-08042
Plaintiff's Pre-Trial Submissions
Sealing of ECF Nos. 239-242, 251-253

SO ORDERED

P. Kevin Castel, USDC
12-19-23

Dear Judge Castel:

The undersigned represents Plaintiff Linda Fairstein ("Plaintiff") in the above-referenced action. The purpose of this letter is to inform the Court of a filing issue that arose on Friday, December 15, 2023, and resulted in the Clerk of the Court sealing the filings located at ECF Nos. 239-242 so that they are only viewable by Court users.¹

In compliance with the Court's order dated October 11, 2023, (ECF No. 227), Plaintiff filed her pre-trial submissions, including several in limine motions, on December 15, 2023. See ECF Nos. 230-253. These filings included a motion to seal and Plaintiff's Motion to Preclude the Expert Testimony and Expert Report of Anthony Freinberg. ECF Nos. 239-242. Shortly after Plaintiff's counsel filed ECF Nos. 239-242, Defendants' counsel requested that these filings be immediately sealed by the Clerk of the Court. Defendants' counsel raised confidentiality concerns about which there is some disagreement. However, in order to give Defendants' counsel adequate time to review the filings, Plaintiff's counsel immediately requested that the Clerk seal the previously filed documents. The Clerk granted the request but advised that the Court should be notified as to what transpired. Out of an abundance of caution, and so that Defendants' counsel had adequate time to review the filing, Plaintiff's counsel subsequently filed Plaintiff's Motion to Exclude Certain Testimony and the Expert Report of David Kaplan (ECF Nos. 251-253) for

¹ Neither Plaintiff's counsel nor Defendants' counsel currently have access to these filings.



viewing by “Selected Parties.”

The parties continue to confer about these issues and will work to resolve them in a timely manner.

Respectfully Submitted,

By: /s/ Kara L. Gorycki
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